

ORDINANCE NO. 1655

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING CHAPTER 13.04 AND 13.12 OF THE MILWAUKIE MUNICIPAL CODE.

WHEREAS, the Milwaukie Municipal Code is not clear in its language in regard to delinquency and penalties.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Amending 13.04.100 to read as follows:

13.04.100 Water charges--Billing.

- A. Charges for water supplied by the municipal water system to any consumer shall be charged for and billed to each such consumer in accordance with rates established by the city council. Sewer service fees as established by the city shall be added to and made a part of the billings for water service.
- B. The property owner shall be responsible for all charges for water consumption, except as explained in section 13.04.080. In the case of landlord/tenants: the landlord is responsible for (1) notifying the city of changes in tenants and (2) for any outstanding balances left owing by previous tenants. The city may require deposits prior to providing water service.
- C. Billings may be prorated. The proration shall be a daily rate determined by dividing the annual minimum billing by 365 days x number days of occupancy from last meter reading and/or billing date.

Section 2. Amending 13.04.110 to read as follows:

13.04.110 Water charges--delinquent when.

- A. The city shall prepare and mail billings to consumers in a timely manner. The billings are due and payable upon the rendering thereof and shall be delinquent if not paid by 5:00 p.m. on the 15th calendar day from the date of billing.
- B. A delinquent fee in an amount established by resolution of the city council, shall be added to the outstanding charges on the 16th calendar day from the date of billing.
- C. If the billing is unpaid by the tenth of the following month after the date of billing, the city shall furnish written notice to the occupant that the water service will be discontinued unless payment is made by 5:00 p.m. one calendar day before the shut-off date indicated on the notice. The date of shut-off of service will be approximately ten calendar days from the date of notice.

Section 3. Amending 13.04.120 Discontinuance of service to read as follows:

13.04.120 Discontinuance of service.

- A. On failure to comply with the provisions of this chapter, as conditioned to the use of water, or to pay the water billing charges in the time or manner provided, the water service will be discontinued until payment is made of the amount due plus restoration fee or until the provisions are complied with.
- B. When the water service has been discontinued pursuant to this section and thereafter turned on again at the request of the consumer, a restoration fee shall be charged. This restoration fee shall also be required in situations requiring the city to dispatch its crews to the involved property for the purpose of shutting off the water service, even if the water is not in fact shut off. The restoration fee shall be set by city council resolution.
- C. If the water service has been shut off by city crews and should be turned on by any person other than an employee of the city, the water may again be shut off and sealed by the city. A second restoration fee shall be required to be paid prior to removal of the seal and resumption of the service.
- D. If the seal is removed by any person other than an employee of the city, the water may be shut off at the main line at the direction of the city and not turned on again until the arrears, cost of repairing the street and all other fees have been paid.

Section 4. Amending Chapter 13.12.070.D to read as follows:

- D.1 The city shall prepare and mail billings to consumers in a timely manner. The billings are due and payable upon the rendering thereof and shall be delinquent if not paid by 5:00 p.m. on the 15th calendar day from the date of billing.
- D.2 A delinquent fee in an amount established by resolution of the city council, shall be added to the outstanding charges on the 16th calendar day from the date of billing.
- D.3 There shall be charged a penalty of ten percent per year on all delinquent accounts as of June 30 of each year when recovery through an action at law or certification to the county tax assessor is required.

Read the first time on June 6 , 1989, and moved to second reading by vote of the City Council.

Read the second time and adopted by the City Council on June 6 , 1989.

Signed by the Mayor on

June 6 , 1989.



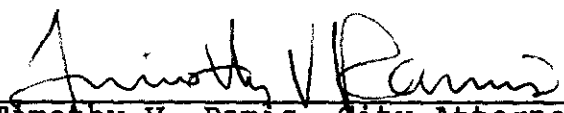
Roger A. Hall, Mayor

ATTEST:



Jerri L. Widner, City Recorder

Approved as to Form:



Timothy V. Ramis, City Attorney